Secrt. H-29—27,004—25-11-25.

Public (1926) Department.

Mis SERIES.

G.O. No. 88.

DATED 9—2—26.

[Despatch Abstract.]

L.C. Question December 1925
Elections — Bellary Municipal Council —
Hoisting of Khilafat flag.

Council Office,
10-11-25.

Starred question.

Mr. J.A. Saldanha:

THE PUBLIC DEPARTMENT.

* 1437. Will the hon. the Law Member be pleased to state:---

(a) whether Government are aware that a Sub Magistrate of Bellary passed an order under Section 144 Criminal Procedure Code prohibiting the hoisting of the Khilafat flag at the recent Municipal -- elections in Bellary;

(b) whether there was an appeal against the order or application for revision ~~of it~~ to the District Magistrate and what order was -- passed by ~~the District Magistrate~~ him;

(c) ~~did~~ whether the District Magistrate censured the action of the Sub -- Magistrate on the ground that the order was uncalled for, unnecessary and indiscreet;

(d) ~~have~~ whether Government called for the records and proceedings of the case and what orders have Government passed or propose passing as to the appropriateness of the action -- taken by the Sub Magistrate and the views expressed by the District Magistrate;

(d) What action the ~~Govt.~~ Government have taken or propose to take on the matter.

(e) do Government approve or disapprove of the respective attitudes of the Sub Magistrate and District Magistrate in the matter; and

(f) what is the guiding principle for Magistrates to follow in similar circumstances--which Government have laid down or propose laying down?

K.S.M.

Pub. Dept

Memo No 5966-1 Dt 23-11-25

L.C. Question No 1437 -
Hoisting of Khilafat flag
Municipal election -
Bellary

A copy of the L.C. Question
No 1437 on the above subject
is forwarded to the D.M.
Bellary for early report

To the D.M. Bellary,

R.D. 15-12-25

24 NOV 1925

C .32.

In reply, please quote number, date and short title.*

Magistorial DEPARTMENT.

Received *Registered*

From (Name) Khan Bahadur M. Bazlullah Sahib Bahadur, C.I.E., O.B.E.,

(Designation) District Magistrate of Bellary

Post Box ....., (STATION) .....

Telegraphic Address .....

CURRENT NO. 5806 PUBLIC

DEPUTY SECRETARY 4 DEC. 1925 CHIEF SECRETARIAT

To The Chief Secretary to Government of Madras, Public Deptt
Fort St. George.

LDC No. 6410 *dated* 1st Decr., 1925

Sir,

ENCLOSURES 1

SPARE COPIES .....

Ref:---Government Memorandum No.5566-1 dated 23-11-1925.

On the 29th September last, at the Rani Chattram in Bellary Town, there was a Municipal election at which Mr. Gurraja Rao, High Court Vakil, Bellary, and Mr. C. Balaji Rao, another High Court Vakil, were rival candidates. It would appear that at this election some supporters of Mr. Gurraja Rao were waiving some flags in the compound of the ---- Chattram. The Town Sub Magistrate says he saw this on his way to his office, and as he found some --- excitement prevailing among the persons that had gathered at the polling station, and as he believed that it was due to the use of the flags, he asked one of the supporters of Mr. Gurraja Rao not to exhibit the flag. On his refusing to do so without a written order, the Sub Magistrate went to his office and issued a written order under section 144, C.P.C. A copy of the order is enclosed. The order was -- directed against Mr. Gurraja Rao, although, admittedly, he was not one of the persons who was holding the flags. It was moreover an exparte order passed without hearing him.

1144

2. The District Superintendent of Police having informed me that there was no likelihood whatever of a breach of the peace in consequence of the use of the flags, I felt that the Sub Magistrate's action was indiscreet in that -- it gave unmerited prominence to an incident beneath notice. I accordingly remarked on the copy of the order received from the Sub Magistrate that the order was unwarranted and illadvised and that the Sub Magistrate must refrain from such hasty action in future. This remark was duly communicated to the Sub Magistrate.

Meanwhile, a revision petition was filed on behalf of Mr. Gurraja Rao against the said order under Section 144, Cr. P.C. Clause 4. I heard the petition and dismissed it for the reason that the order sought to be revised had long ceased to be in force and it was unnecessary to adjudicate on its merits or to annul it.

The Sub Magistrate states that the flags used were Congress or Swaraj Flags and that as they had a political significance, he thought their use might lead to a breach of the peace. I have already informed the Sub Magistrate that his action was uncalled for and ill-advised and I do not think any further action is necessary.

District Magistrate.

4.12.25

5

MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT. ETC.

(Section 144, Code of Criminal Procedure).

IN THE COURT OF THE II CLASS MAGISTRATE OF BELLARY

Miscellaneous Case No. iil of 1925.

To

M.R.Ry., K Gurraja Rao Garu, B.A.,B.L.,

Bellary.

Whereas it appears to me that the hoisting of Kilafat etc. flags at t he Polling Booth near Ranichattran this day is likely to cause a breach of the peace between the members of the Congress party and the members of the other party, I do hereby order you not to hoist any flag which has a political significance at the Polling Booth.

Sd. G. Sehsachellam,

Sub Magistrate.

(True copy).

For District Magistrate
3 12 25

Public Deptt.

L.C. Qn.No.1437*

DRAFT ANSWER

(a) The Sub Magistrate prohibited the hoisting of any flag which had a political significance at the polling booth.

f/ 4 CP
because he considered that the hoisting of such a flag there was likely to cause a breach of the peace.
para 2, Subpara 2 of f/ 5 CP

(b) Yes; the D.M. dismissed the revision petition as the order sought to be revised had long ceased to be in force.

(c) The Dist. Magte. informed the Sub Magistrate that he considered his action unwarranted ~~and ill-advised~~.

Subpara 3 of para 2 of f/ 5 CP

(d) None.

aw
9.12.25

* This may be omitted
CSR
10/12/25

1169 18.12.25. 8

STARRED QUESTION.

Mr. J.A. Saldanha.

1437. Will the hon. the Law Member be pleased to state:-

(a) whether Government are aware that a Sub Magistrate of Bellary passed an order under section 144 Criminal Procedure Code prohibiting the hoisting of the Khilafat flag at the recent municipal elections in Bellary;

(b) whether there was an appeal against the order or application for its revision to the District Magistrate and what order was passed by him;

(c) whether the District Magistrate censured the action of the Sub Magistrate; and

(d) what action the Government have taken or propose to take on the matter?

Public Department.

A N S W E R.

(a) The Sub Magistrate prohibited the hoisting of any flag which had a political significance at the polling booth because he considered that the hoisting of such a flag there was likely to cause a breach of the peace.

(b) Yes; the District Magistrate dismissed the revision petition as the order sought to be revised had long ceased to be in force.

(c) The District Magistrate informed the Sub Magistrate that he considered his action unwarranted.

(d) None.

answer

DESPATCHED

12 DEC 1925

12/12/-

Fort St. George,
11th December 1925.

Chief Secretary.

To the Legislative Council Office.

(The above answer has been approved by the Hon'ble Sir C.P. Ramaswami Ayyar, K.C.I.E.)

D.J.

1

Law Dept. III-8—4,000—1-12-24.

QUESTION.—No. 1437 for the ~~meeting~~ next of the Legislative Council ~~to be held on the~~ ——— ~~192~~ ———

21 NOV 1925

SUBMITTED that two copies of this Question may be forwarded to the Public Department.

CURRENT NO. 5566 PUBLIC

The Question has been admitted.

SK 20/11/25

U.O. No. , *dated*

To

The Public Department.

Pub. dept

A draft memo to the D.M. Bellary is submitted for approval

per 23/11/25.

CS.

all 23.11.25

BOA No 1 C. 10.12 R. 10.12

P.3 of 7. Issued Memo No. 5566-1 of 23.11.25.

P.4 of 7. Memo 5566 from D.M. Bellary, No. 6460 1.12.25

Ci-521/22 Public J. Yes. Please put up orders if any necessary on proceedings of the Khilafat workers' Hartal. Gulk 7.12.25

A draft answer is laid. per 8/12/25.

approved with a small amendment CS C/COR 10/12/25 all 9.12.25

STARRED QUESTIONS

Criminal Justice.

Prohibition of the hoisting of the Khilafat flag during municipal elections in Bellary.

*1169 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state—

(*a*) whether Government are aware that a sub-magistrate of Bellary passed an order under section 144, Criminal Procedure Code, prohibiting the hoisting of the Khilafat flag at the recent municipal elections in Bellary;

(*b*) whether there was an appeal against the order or application for its revision to the District Magistrate and what order was passed by him;

(*c*) whether the District Magistrate censured the action of the sub-magistrate; and

(*d*) what action the Government have taken or propose to take on the matter?

A.—(*a*) The sub-magistrate prohibited the hoisting of any flag which had a political significance at the polling booth because he considered that the hoisting of such a flag there was likely to cause a breach of the peace.

(*b*) Yes; the District Magistrate dismissed the revision petition as the order sought to be revised had long ceased to be in force.

(*c*) The District Magistrate informed the sub-magistrate that he considered his action unwarranted.

(*d*) None.

Mr. S. SATYAMURTI:—"With reference to the answer to clause (*a*) of this question, may I ask the hon the Law Member to be good enough to say, if he is responsible for that phraseology, what is meant by saying that any flag has a political significance?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"I am quoting the order. The sub-magistrate apparently thought that the flag was a Khilafat flag and had a political significance and that their use might lead to a breach of the peace."

Mr. S. SATYAMURTI:—"May I ask if it is the opinion of the Government that flags having political significance when used would result in a breach of the peace, and if so, has not the Union Jack a political significance and do they not think that its use would lead to a breach of the peace?"

The hon Sir C. P. RAMASWAMI AYYAR:—"It depends on the circumstances. The Government do not think that the use of any flag has either a political significance necessarily or is likely by itself to lead to a breach of the peace."

Mr. C. RAMALINGA REDDI:—"May I ask the hon. the Law Member whether he does not think that the polling booth is peculiarly the place where political flags have to be used as the hoisting of flags was one of the ways of canvassing votes, and is there any justification for preventing political flags being hoisted in polling booths?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"It is a perfectly legitimate observation made by the hon. Member for Chittoor."

Mr. S. SATYAMURTI:—"In view of the hon. the Law Member's answer to my question with which I respectfully agree, and in view of the fact stated in answer to clause (*c*) of this question, viz., that the District Magistrate informed the sub-magistrate that he considered his action unwarranted, may I know the reason why the Government do not propose to tell this sub-magistrate that he is a silly man and that he ought not to make such a fuss hereafter?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"Apart from the exact terminology that has been used by my hon. Friend, I think from the answer to clause (*c*) the hon. Member for the University may infer that when a magistrate's action is taken to be unwarranted it means that it is not approved."

Mr. C. RAMALINGA REDDI:—"May I ask the hon. the Law Member whether he does not consider it desirable to issue a general instruction based upon this incident so that such things may not occur?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"The Government hope that there would be no necessity to issue such general instructions because certain things are self-evident."

9

May be Recorded

88

G.O.M. 2189 9.2.1925 Conf.

L.C. Question — December 1925 — Elections — Bellary Municipal Council — Hoisting of Khilafat flag.